

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>EDWARD R. FLYNN, et al</b>	:	<b>CIVIL ACTION</b>
<b>Plaintiffs,</b>	:	
	:	
<b>v.</b>	:	
	:	<b>NO. 17-cv-04806-WB</b>
<b>MANUFACTURERS AND TRADES</b>	:	
<b>TRUST COMPANY</b>	:	
<b>Defendant.</b>	:	

**ORDER CONCERNING DISCOVERY**

The parties, by their counsel, initiated a telephone conference with me on February 4, 2019. Based on the discussions during the telephone conference, the agreement of counsel, and good cause appearing, it is on this 4<sup>th</sup> day of February, 2019

**ORDERED** as follows:

1. Defendant's affidavit, due under my Order of January 31, 2019 (Doc. No. 148, ¶s 5 and 6), additionally will explain what, when, why, how, and under what circumstances policies and procedures requested by Plaintiffs (Doc. No. 148, ¶15, No. 13) were overwritten or otherwise made unavailable, and what steps have been taken to recover them and produce them to Plaintiffs. After service of the affidavit, counsel for the parties will meet and confer concerning the resolution of this issue. If the parties resolve this issue, they will advise me by letter. If there is a continued dispute the parties may initiate a telephone call with me.
2. Counsel will meet and confer within the next week concerning Plaintiffs' request for electronically stored information in database fields concerning the representative Plaintiffs. If the parties resolve this issue, they will advise me by letter. If there is a continued dispute the parties may initiate a telephone call with me.

3. Counsel will meet and confer within the next week regarding Defendant's request that the four lists of class members contemplated in my Order of January 31, 2019, at ¶ 8, be reduced to three, since the fourth class (those who received post-sale notice) consists of customers who would already appear in the first three classes, which concern customers who received some type of pre-sale notice. If the parties resolve this issue, they will advise me by letter. If there is a continued dispute the parties may initiate a telephone call with me.
4. No later than one week after the date the sampling protocol is fixed (*see* ¶¶ 7-9 of my Order of January 31, 2019) counsel shall meet and confer about the production of an "electronic response in easily comprehensible and searchable form" as described in paragraph 14 (Interrogatories), No. 5(B). If the parties resolve this issue, they will advise me by letter. If there is a continued dispute the parties may initiate a telephone call with me.
5. All specific due dates under my Order of January 31, 2019 are enlarged by one week. The generic due dates (*e.g.*, 21 days from a described start date) outlined in paragraph 14 (Interrogatories), No. 5, remain the same. The default due date is enlarged by one week, from February 14, 2019 to February 21, 2019. *See* January 31, 2019 Order, ¶ 18.

BY THE COURT:

*s/Richard A. Lloret*  
RICHARD A. LLORET  
U.S. Magistrate Judge